



JACOB R. DAY  
MAYOR

JULIA GLANZ  
CITY ADMINISTRATOR

# City of Salisbury – Wicomico County

PLANNING AND ZONING COMMISSION  
P.O. BOX 870  
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JOHN D. PSOTA  
ACTING COUNTY EXECUTIVE

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DIRECTOR OF ADMINISTRATION

## SALISBURY-WICOMICO COUNTY PLANNING AND ZONING COMMISSION

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### AGENDA

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#### REGULAR MEETING

November 18, 2021

ROOM 301, THIRD FLOOR  
GOVERNMENT OFFICE BUILDING

**1:30 P.M.** Convene, Chip Dashiell, Chairman  
**Minutes –**  
**Work Session of October 18, 2021; and**  
**Meeting and Public Hearing of October 21, 2021**

**1:35 P.M. PRELIMINARY/FINAL PLAT – Minor Subdivision of Lot 2, Block ‘A’, “Subdivision for 5-0 Farms” – Snow Hill Road – A-1 and Airport Overlay – M-59, G-15, P-32 (M. Williams)**

**PRELIMINARY REVISED COMPREHENSIVE DEVELOPMENT PLAN – Glen Heights, LLC – Glen Heights, 1800 Glen Ave – R-10A Residential – #20-034, M-0109, G-0017, P-2585 (B. Wilkins)**

**PRELIMINARY/FINAL SUBDIVISION PLAT – Salisbury Mall Realty Holdings LLC – The Centre at Salisbury, 2300 N Salisbury Blvd – General Commercial – #21-040, M-0119, G-0015, P-0237 (B. Wilkins)**



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## WORKING SESSION MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in a special work session on October 18, 2021, in Room 301, Council Chambers, Government Office Building with the following persons participating:

### **COMMISSION MEMBERS:**

Charles "Chip" Dashiell, Chairman  
Dr. James McNaughton  
Scott Rogers  
Jim Thomas  
Jack Heath  
Joe Holloway

### **PLANNING STAFF:**

Lori A. Carter, MBA, Director, Wicomico County Planning, Zoning, and Community Development ("PZCD")  
Keith D. Hall, AICP, Deputy Director, PZCD  
Clark Meadows, Zoning Administrator, PZCD  
Adam Gibson, GIS Analyst, PZCD

Paul Wilber, Wicomico County Department of Law

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The meeting was called to order at 1:30 p.m. by Chairman Dashiell.

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Chairman Dashiell welcomed everyone to the work session of the Salisbury-Wicomico County Planning and Zoning Commission. He asked Ms. Carter to proceed with the presentation.

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Ms. Carter introduced the Staff presenting the proposed legislation about the open top storage tanks. She introduced Adam Gibson, GIS Analyst, and Clark Meadows the Zoning Administrator.

Chairman Dashiell requested everyone allow Mr. Meadows and Mr. Gibson to present their materials and hold all questions until they have completed their presentations. Also, he reminded the public that a Public Hearing will occur on Thursday, October 21, 2021, where their comments can be heard. He mentioned today's work session is not opened up to public comments.

Mr. Meadows presented the County Council's proposed legislation. He stated under consideration is a revision to the County Zoning Code, Chapter 225 including basic definitions and interpretations of open top storage tanks.

Mr. Gibson proceeded with presenting what the current regulations and proposed legislation looks like using GIS mapping tools. The first image depicted where a storage tank is and is not currently permitted in Wicomico County. The second image illustrated tank locations permitted based on the proposed legislation. The last image showed the eligible and ineligible parcels in the proposed zoning districts of I-1 and I-2.

There was a discussion amongst Staff and Commissioners about the proposed location in context to the designated growth areas for the municipalities and the County. Mr. Hall added if the proposed legislation was enacted it would include portions of the designated growth areas for Salisbury, Delmar, and Fruitland. He noted these growth areas are also County growth areas.

Mr. Hall gave an overview of the eligibility map, as well as noted this proposed legislation will make the storage of DAF a specific use rather than being included as part of the agricultural use.

Dr. McNaughton inquired about if the legislation was about the application, which Mr. Wilber stated it's about the storage. Emphasized the need to understand how this proposed text amendment is interpreted. Mr. Hall explained the text amendment with regard to creating a new individual use.

Mr. Heath inquired if the agricultural zoning district was considered as an area appropriate for locating a tank. Mr. Hall responded in the affirmative and the first version of the proposal included Agricultural and Village Conservation Zoning Districts, which were removed per the request of the County Council. He

mentioned there is limited availability of land in industrially-zoned areas, as well as the prohibitive cost of land in those districts.

Dr. McNaughton discussed the need for more oversight of application and including language in the text amendment designed to ensure application is consistent with MDA expectations.

Mr. Holloway stated the County Council deliberated about the wording of the distribution process and that is part of why it was forwarded to the Planning Commission. He noted the restriction to industrial zones will be a little short-sided and affect the agricultural industry. The concern about the existing tank expressed by the citizens was lack of a voice during the process. Mr. Holloway discussed the Zoning Code has multiple uses in the agricultural zone requiring a special exception and would like to see moving back to a special exception for some tanks. He discussed setbacks, which Mr. Hall responded zoning districts, setbacks, lot sizes, and development standards are all items that can be under the purview of the Commissioners.

Dr. McNaughton inquired if this proposed legislation is a direct conflict with the Right to Farm laws. Mr. Wilber stated the Right to Farm laws have been a subject of litigation and conversation in several states. There is an ongoing debate between Zoning Code and how it is setup versus the Right to Farm laws and Mr. Wilber does not have the final answer.

Mr. Holloway mentioned the legislation is about a storage tank, but does that solve the other concerns.

Dr. McNaughton talked about the need for restrictions on the tank design and neutralizing the smell at the processing site can be done.

Mr. Holloway stated the poultry industry is working on the smell.

Mr. Hall concurred with the statement about the industry addressing the smell.

Chairman Dashiell asked if there were any questions or comments, there were none. He thanked the Staff for their presentations.

Mr. Hall stated a Public Hearing will occur at the end of the regularly scheduled meeting on Thursday, October 21<sup>st</sup>; the Public Hearing will commence at 2:30 p.m. Also, the public review and comment period is open until October 29<sup>th</sup> at 5:00 p.m.

Chairman Dashiell thanked everyone for attending the work session. There being no further business, upon a motion by Mr. Heath, seconded by Mr. Rogers

and with all members voting in favor the Commission work session meeting was adjourned.

The next regular Commission meeting will be on November 18th.

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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Wicomico County Department of Planning, Zoning, and Community Development Office.

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Charles "Chip" Dashiell, Chairman

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Keith D. Hall, AICP, Secretary

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Janae Merchant, Recording Secretary



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## MINUTES

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The Salisbury-Wicomico County Planning and Zoning Commission ("Commission") met in regular session on October 21, 2021, in Room 301, Council Chambers, Government Office Building with the following persons participating:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
Dr. James McNaughton  
Jim Thomas  
Scott Rogers  
Mandel Copeland  
Joe Holloway  
Jack Heath

### PLANNING STAFF:

Henry Eure, City of Salisbury, Department of Infrastructure and Development ("DID")  
Brian Soper, City of Salisbury, DID  
Brian Wilkins, City of Salisbury, DID  
Marilyn Williams, Wicomico County Department of Planning, Zoning and Community Development ("PZCD")  
Adam Gibson, Wicomico County, PZCD  
Clark Meadows, Wicomico County, PZCD  
Keith D. Hall, AICP, Wicomico County, PZCD  
Lori A. Carter, MBA, Wicomico County, PZCD

Paul Wilber, Wicomico County Department of Law  
Laura Hay, City of Salisbury Department of Law

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The meeting was called to order at 1:30 p.m. by Mr. Dashiell, Chairman and mentioned the Public Hearing will start at 2:30 p.m.

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**MINUTES:** Chairman Dashiell noted there were two (2) sets of minutes brought forward for review and approval from the August 12, 2021 and September 16,

2021 meetings. At the September 16, 2021 meeting, Mr. Wilber was asked to review and listen to the audio recording of the August 12, 2021 meeting and compare to the written minutes. He was asked to confirm if the minutes were appropriate and to recommend any necessary revisions.

Mr. Wilber was welcomed and he proceeded to say he had listened to the August audio recording and did not identify any editing or redactions. Also, Mr. Wilber reviewed the written minutes and determined they were an accurate reflection of the transcript of the meeting. All agenda items were covered, motions and votes were in the minutes. Mr. Wilber's final comment was the requisites for the August 12, 2021 meeting minutes were appropriate and accurate. Dr. McNaughton asked about the review of minutes for the April 28, 2016 meeting. Mr. Wilber stated it was a Board of Appeals meeting and is available to discuss the matter. He agreed to discuss this topic with him the week of October 25<sup>th</sup>.

Chairman Dashiell requested a motion to approve the August 12<sup>th</sup> minutes. Upon a motion from Mr. Rogers, seconded by Mr. Thomas. With exception of Dr. McNaughton, who refrained from the vote, all other members voted in favor and the August 12, 2021 minutes were approved as submitted.

Chairman Dashiell requested a motion to approve the September 16<sup>th</sup> minutes. Upon a motion from Mr. Rogers, seconded by Mr. Heath. With exception of Dr. McNaughton, who refrained from the vote, all other members voted in favor and the September 16, 2021 minutes were approved as submitted.

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**REVISED COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – East Fields Development LLC – The Preserve at Aydelotte Farm – Stream Valley Court & Middle Neck Drive – Planned Residential District #7 – 202100911, M-38, G-6 & P-432, Lots 1 – 10, 20 – 26, and 58 – 61 (B. Wilkins)**

Chairman Dashiell acknowledged Mr. Kirk Kinnamon, managing member of East Fields LLC, and asked Mr. Wilkins to present the Staff Report.

The applicant is requesting a product change to the remaining 21 undeveloped lots in The Preserve at Aydelotte Farm. The applicant has submitted a narrative, floor plan rendering and landscape plan to accommodate a 20 ft. wide concrete driveway at each residence instead of a narrower driveway and one-car garage, which was originally approved.

A Final Comprehensive Development Plan was approved for this project on December 16, 2004.

Mr. Wilkins presented the Staff review comments for the comprehensive development plan. This included the Site Plan, Building Elevations / Floor Plans, Sign Plan, Landscaping Plan, Development Schedule, Community Impact

Statement, Statement of Intent to Proceed and Financial Capability, Fire Service, Stormwater Management, Paleochannel Protection District, Forest Conservation Program, and Wicomico County Board of Education.

Planning staff has no concerns with this project at this time.

Staff recommends approval with the following three (3) conditions:

1. The site shall be developed in accordance with the Revised Final Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan.
2. Forest Conservation requirements, if any, shall be addressed with the Wicomico County Department of Planning.
3. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.

Mr. Kinnamon mentioned the homes previously built were 2-story with a single driveway and a one-car garage. Over the past 17 years, the Homeowners Association has recognized most people use the garage for storage, resulting in residents parking on the street. The owners desire to keep the housing affordable, in the low \$200,000 range, so they have recommended some revisions. The revisions consist of removing the garage and adding longer and wider driveways to allow more off-street parking for the residents. This will necessitate residents to obtain an off-site storage unit instead of using their garage. The City's request for the same brick and siding for new construction, increased planting, and landscaping to blend into the existing development will be accommodated.

Upon a motion by Mr. Rogers to approve the revision with the three (3) Staff conditions and adding a fourth, waiving the Community Impact Statement, Statement of Intent to Proceed and Financial Capability. The motion was seconded by Mr. Thomas, and carried unanimously, the Commission approved the Plan.

Chairman Dashiell stated the motion was approved.

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**COMPREHENSIVE DEVELOPMENT PLAN APPROVAL – Morea Realty LLC – 227 Florida Ave – Neighborhood Business Zoning District – 202100913, M-111, G-16, & P-338 (H. Eure)**



Chairman Dashiell acknowledged Mr. Eure and Mr. Brock Parker. Also present were Mr. Chris Adamopolous, manager of the applicant, and Mr. Gary Spence from Phillips Signs. Chairman Dashiell asked Mr. Parker to proceed.

Mr. Parker indicated the shopping center was purchased by Mr. Adamopolous, it was constructed in the mid-70s. Mr. Adamopolous has purchased the structure and would like to freshen up the center. The goals are to redo the signage and the parking lot. There are three (3) trees in the parking lot where the roots have destroyed the parking lot. They desire to clean up the asphalt and add some curb appeal with landscaping. The plan illustrates three (3) upside-down T's, which are landscaping beds that will be mulched and filled with crepe myrtles and knock-out roses. The parking configuration shown on the plan illustrate the proposal is above the minimum requirements and the dimension of parking spaces are adequate. In reconfiguring the parking lot, a handicapped ramp will be installed on the face of the building and the handicap spaces will be brought up to code. Minor modifications to the building will include new awnings to match the ones across the street. The current dumpster in the back is not currently code compliant, which the pad will be enclosed to meet the code.

Mr. Eure presented items 5 and 6 contained in the Staff report. He mentioned the recommended changes will enhance the building. It is currently non-conforming since the building has never had a Comprehensive Development Plan because it existed prior to the adoption of the current City Zoning Code. There are no problems with the proposed changes and Staff recommends approval.

Chairman Dashiell agrees the plan suggests making important improvements to the complex and asked if there are any comments or questions from the Commissioners.

Mr. Eure added the sign is compliant as submitted as long as the size of the sign remains the same or smaller there are no concerns and the Commission is approving the style of the sign.

Hearing no questions or comments from the Commissioners, Chairman Dashiell called for a motion.

Mr. Rogers entered a motion to approve the plan as submitted, seconded by Mr. Thomas, and carried unanimously, the Commission approved the plan.

Chairman Dashiell stated the motion was approved.

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**PRELIMINARY/FINAL PLAT APPROVAL – Dedicated Properties, LLC (5 Lots) – Mr. and Mrs. Robert Ringgold, Minor Subdivision - Warren Road and Morris Road – A-1 Zoning District – M-41, G-3 & P-63 (M. Williams)**

Chairman Dashiell welcomed Ms. Williams. She was joined by Robert and Julie Ringgold (the owners) and C.H. Brittingham (representative for the Ringgolds). Chairman Dashiell asked Ms. Williams to present the Staff Report.

This plat proposes the creation of five (5) lot minor subdivision from Parcel 63, with Lots 4 and 5 have to meet the 1:15 density requirements because the property is located in the A-1 Zoning District. The lots will be the first lots subdivided from the parent parcel since our regulatory date, and the proposed lots are a minimum of 2 acres per the Health Department requirements; and the remaining lands are proposed at 51.39 +/- acres. Most of the acreage is farmland with a couple of small wooded areas.

Recently, the Ringgold's received approval from the Board of Appeals to construct a building on the remaining lands near Morris Road for the purpose of operating their electrical business. Also, the Ringgold's intend to construct a residence on the remaining lands.

There is a cemetery located on the property, which is not part of the parcel of land as it was exempted out of an earlier land transfer. The cemetery and its deeded right-of-way are shown on the proposed subdivision.

The Planning Staff recommends approval of the subdivision as proposed. There will be no more rural density lots available from this parcel under current subdivision regulations.

The Planning Staff would like to make an additional recommendation with regards to Lot 4 and the remote sewage reserve area. The County's subdivision regulations do not currently address a minimum width of a piece of land, except with regards to road frontage and the width of the lot at the building setback line. There currently is no language addressing a strip of land leading to a remote sewage reserve area. For that reason, the Planning Staff is recommending the strip of land on proposed Lot 4 be a minimum of 20 feet in width to allow for machinery to access the sewage reserve area.

The proposed minor subdivision requires Planning Commission approval since more than three (3) lots are proposed.

Staff recommends approval with the following seven (7) conditions:

1. The Final Minor Subdivision Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Minor Subdivision Plat.

3. The Minor Subdivision Plat shall comply with all requirements of the Forest Conservation Regulations.
4. An Open Space Easement agreement will be recorded in the land records of Wicomico County.
5. A stormwater management plan is required and will need approval from the Department of Public Works prior to recordation of the plat.
6. The strip of land on Lot 4 leading to the remove sewage reserve area is to be a minimum of 20 feet wide.
7. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

Chairman Dashiell asked Ms. Ringgold if she had anything to add, which she did not. Mr. Brittingham wanted to make sure any questions were answered.

Chairman Dashiell inquired if Commissioners had any questions or comments. Mr. Holloway offered advice concerning the 20' strip of land leading to the sewage reserve area. He suggested for them to keep it clear and well-marked for subsequent owners.

Upon a motion by Mr. Rogers to approve the subdivision of lands for Dedicated Properties LLC in accordance with the seven (7) provisions contained in the Staff report and reinforcing condition #6 regarding the 20' wide easement to be kept clear to allow for access of vehicles, seconded by Mr. Holloway, and carried unanimously, the Commission approved the preliminary/final subdivision plat.

Chairman Dashiell stated the motion was approved.

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**REVISED SITE PLAN REVIEW – ACCESSORY STORAGE BUILDING – Witchmill, LLC  
- Southwesterly side of Snow Hill Road, 800 Snow Hill Road – C-1 Select  
Commercial Zoning District – M-38, G-22, P-32, Lots 17, 33, 34 (M. Williams)**

Chairman Dashiell confirmed Mr. Parker from Parker & Associates and Mike King (owner) were present. Chairman Dashiell asked Ms. Williams to present the Staff Report.

At the October 15, 2020 Planning Commission meeting, the applicant presented a Site Plan for the construction of a 65' x 70' accessory storage building on this site. However, the applicant is requesting approval for a revised Site Plan for a 50' x 92' accessory storage building, which will be located closer to the southeasterly property line. The revised Site Plan depicts the location of the

existing building, paved parking, proposed access fencing and access gate, the proposed building, and landscaping. The proposed size and location conform to all setbacks and code requirements.

Staff recommends approval with the following two (2) conditions:

1. The site shall be developed in accordance with the approved Site and Landscaping Plan.
2. Subject to further review and approval, if required, by the Wicomico County Public Works Department.

Mr. King addressed the Commissioners to discuss the reasons for changing the location of the building. The first impactful reason was due to trailers not having adequate room to safely turnaround without hitting the building. The second reason is to accommodate an elderly neighbor, who they would like to protect from noise and not have the building sit directly on her property line.

Mr. Parker indicated he was reconfiguring the shape of the building and moving it further back to provide for separation between structures.

Hearing no questions or comments from the Commissioners, Chairman Dashiell called for a motion.

Upon a motion by Mr. Rogers to grant site plan approval for Miller Investment Properties LLC subject to the two (2) conditions presented in the Staff report, seconded by Mr. Heath, and carried unanimously, the Commission approved the Revised Site Plan.

Chairman Dashiell stated the motion was approved.

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**PRELIMINARY PLAT EXTENSION – THE POND AT NUTTERS CROSSING (18 Lots) – Pottermore, LLC – Thomas H. Ruark - Stonehaven Drive – R-20 Zoning District & Airport Overlay – M-48, G-22 & P-171, 446, 447, 443 (M. Williams)**

Chairman Dashiell addressed Mr. Parker from Parker and Associates (presenting for Thomas Ruark) was present. Chairman Dashiell asked Ms. Williams to present the Staff Report.

The Department received a request for a one-year extension of the Preliminary Plat approval for this project. The Sketch Plat for the re-designed development was approved by the Planning Commission in May of 2019; the Preliminary Plat and Tier Map revision were approved October 17, 2019; and a one-year extension of the Preliminary Plat was granted on October 15, 2020.

Over the past year, several of the proposed conditions established by the Planning Commission have been met, including a topographic survey of the

property, establishment of the floodplain line based on true elevations, delineation of the non-tidal wetlands, approval of an Improvements Construction Plan, as well as the Stormwater Management Plan.

Lot 12 was modified as recommended to provide a larger building envelope, prompting re-evaluation by the Health Department. The Health Department also re-evaluated Lots 7 and 8. All of the lots have approved percs; however, it also requires MDE approval. In addition, an amendment to the Wicomico County Comprehensive Water and Sewerage Plan is necessary, which MDE is an approving authority.

According to the Public Works Department, application has been made for the amendment, but the State's review is ongoing. This subdivision had originally planned for a community water and sewerage facility, but is now being changed to not planned for services. This process requires MDE initial approval, followed by County Council approval.

The Planning Staff recommends approval of a one-year extension of the Preliminary Plat due to the unique and extensive requirements associated with this re-designed subdivision. Significant progress has been made over the past year, and once approval is received from MDE for the two (2) aforementioned facets, the Final Plat can be presented to the Planning Commission.

Staff recommends approval with the following eleven (11) conditions:

1. The Final Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the Planning Commission review of the Final Plat.
3. The Final Plat shall comply with all requirements of the Forest Conservation program.
4. Final approval of the stormwater management plan by the Department of Public Works is required prior to recordation of the Final Plat.
5. Improvements Construction Plans shall be approved by the Public Works Department prior to the recordation of the Final Plat.
6. All lots will become members of the Pond at Nutters Crossing Homeowners Association and a Covenants and Restrictions document shall be recorded in the Land Records of Wicomico County prior to the recordation of the Final Plat.
7. A deed conveying the existing pond parcel and Parcel B to the Homeowners Association shall be recorded in the Land Records for Wicomico County prior to recordation of the Final Plat. The Homeowners Association will be responsible for maintenance of all stormwater facilities.

8. A deed of Forest Conservation Easement and long-term management agreement shall be recorded in the Land Records for Wicomico County prior to recordation of the Final Plat.
9. A cluster mailbox pad with adequate access is to be constructed outside of all easement areas and in accordance with U.S. Postal Service requirements, or, a letter from the local USPS office confirming individual mail delivery is required prior to the recordation of the Final Plat.
10. Individual grading plans will be required on Lots 7, 8, 9, 13, 14 and 15 due to the existing slopes and the fill required for construction.
11. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

Mr. Parker mentioned the majority of subsidiary approvals to move forward have been obtained. Upon receiving all final approvals, the project will move expeditiously towards recordation and construction. He finished with a brief history of the project, which was originally approved and never went anywhere.

Chairman Dashiell acknowledged it appeared substantial work had been completed and asked if Commissioners had any questions or comments.

Mr. Thomas requested clarification on the request. Ms. Williams responded a one-year extension was granted in 2020 and the Commission can provide extensions of up to one year. Chairman Dashiell clarified, this is the second time where they are requesting a one-year extension.

Hearing no additional questions or comments from the Commissioners, Chairman Dashiell called for a motion.

Upon a motion by Mr. Rogers to approve a one-year extension of the preliminary plat for The Ponds at Nutters Crossing in accordance with the 11 conditions presented in the Staff report, seconded by Mr. Holloway, and carried unanimously, the Commission approved the Preliminary Plat Extension.

Chairman Dashiell stated the motion was approved.

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Chairman Dashiell announced a recess for the Commission until 2:30 P.M.

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**PUBLIC HEARING – TEXT AMENDMENTS** - In accordance with the procedural provisions of Section 225-20 "Amendments", of the Wicomico County Code, the County Council has proposed amendments to the text of the County Zoning Code Chapter 225 of the Wicomico County Code, titled "Zoning" Part 3, titled "Basic Definitions and Interpretations," Article VI, titled "Terms Defined," Section 225-25; Part 8 titled "Special Standards for Particular Uses," Article XX, titled "Uses and Standards Enumerated," Section 225-76, titled "Agricultural Operation, Farming," and Part 6, titled "Accessory and Principal Uses," Article XVIII, titled "Principal Uses," Section 225-67, titled "Table of Permitted Uses-designations" to regulate, the construction, location and size of open top storage tanks.

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The meeting was called to order at 2:30 p.m. by Chairman Dashiell.

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Chairman Dashiell presented opening remarks. The purpose of this public hearing is to receive comments on the proposed text amendment legislation by Wicomico County Council to Chapter 225 of the Wicomico County Code, titled "Zoning" and other related sections of 225 to regulate the location and size of an above ground, open top structure, designed and used for storage of agricultural product, by-product, fertilizer or soil amendment. He welcomed the public and discussed the guidelines of the hearing and requested that there not be repetitive comments. Each speaker has a 10 minute time limit and Chairman Dashiell requested that everyone state their name prior to speaking. The Public Hearing is being recorded by PAC 14. He asked attendees to place their cell phone on mute during public hearing and, if needed, to take calls outside of the Council Chambers. The purpose of the meeting is to receive comments about the County Council's proposed amendments to Chapter 225, Zoning of the Wicomico County Code.

There has been a number of issues and concerns surrounding this use that have been discussed at previous forums. He tasked each speaker to stay focused on the proposed legislation. The Record is open and will remain open until 5:00 PM on October 29, 2021. Written comments will be accepted this afternoon, which comments can be directed to Ms. Carter or Mr. Hall; they will be included as part of the Record. At the conclusion of this meeting, we will not be taking any action nor discussing any items mentioned by the speakers. He mentioned an interested party sign-up sheet is available for anyone wanting to stay abreast of the proposed legislation. Chairman Dashiell asked Mr. Wilber to provide an overview of the proposed legislation.

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An overview of the proposed legislation was provided by Mr. Wilber. He communicated, the proposed legislation is a text amendment to the existing Zoning Code. It provides a definition of an above ground open top storage tank

designed and used for the storage of an agricultural product, by-product, fertilizer or soil amendment.

The qualifications for an open top storage tank are as follows:

- 1) An open top storage tank less than 150,000 gallons in capacity, or multiple open top storage tanks with an aggregate capacity not exceeding 150,000 gallons, are only permitted in the I-1 and I-2 Zones.
- 2) An open top storage tank with a capacity exceeding 150,000 gallons, or multiple open top storage tanks with an aggregate capacity exceeding 150,000 gallons, are permitted by special exception in the I-1 and I-2 Zoned Districts.
- 3) An open top storage tank must have a minimum setback of 300 feet from all property lines, regardless of capacity or Zoning District.
- 4) An open top storage tank may only be accessed by vehicle, in the Zoning District, from a collector street.
- 5) An open top storage tank erected prior to the enactment of this legislation, pursuant to a permit by the County, may continue as a non-conforming use in its current location regardless of Zoning District.

In addition, the Bill proposes to amend §225-67 Table of Permitted Uses, Resource Conservation and Residential Districts to reflect the changes created by this legislation. Also, Commercial, Institutional, Business and Industrial Districts shall be amended to reflect the legislation.

Mr. Wilber read the Public Hearing notice into the record and administered the oath to the public attendees testifying at the Public Hearing.

Chairman Dashiell welcomed the public and directed speakers to state their name upon arriving at the podium.

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Mr. Mark S. Cropper, partner of Ayres, Jenkins, Gordy & Almand, P.A., representing Edmund "Biff" H. Burns, IV came forward. He submitted a written comment on October 13<sup>th</sup> to Planning and Zoning along with numerous attachments. He said this legislation only refers to limiting the location of tanks to only industrially zoned lands. He mentioned most of the land in Wicomico County is zoned agricultural, allows for agricultural uses, or in the agricultural land use category in the Comprehensive Plan. If this legislation is approved, the vast majority of the County will be eliminated from having open top storage tanks. The Comprehensive Plan is extensive with provisions to preserve, protect, and encourage agricultural activities. The negative impact this would have on the farming community is large because you are requesting farmers to lease or purchase industrial land to place a tank on, then add in the expense of transferring the product back to the farming land. He added that at the recent



work session, Mr. Holloway noted if enacted, as proposed, it will not apply to closed tanks.

In 2019, a few of Mr. Burns' neighbors initiated litigation against Mr. Burns in regards to the permit issued by Wicomico County for the construction of an open top tank on his property. The tank was constructed consistent with the permit. He proceeded with providing a brief history of the court actions associated with his client's tank. A decision from the Maryland Court of Special Appeals is pending. He believes it is inappropriate for the Council to adopt any legislation that could impact upon the legality or the integrity of the tank that was permitted and built on Mr. Burns' property until a decision is made by the Court.

If the Wicomico County Council does adopt this legislation as proposed, it turns Mr. Burns' tank into non-conforming use and could have other impacts depending on the court's ruling.

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Ms. Lynette Kenney lives on Porter Mill Road with her husband, about a quarter-mile from the open top storage tank. They derive most of their income from the agricultural sector and desire a strong viable agricultural industry, including poultry, on the Eastern Shore.

Ms. Kenney and the neighbors have been living through this ordeal for two and a half years. There are approximately 13 homes within a ¼ mile from the tank; 36 homes within a ½ mile and over 50 homes within a mile. The neighbors have been affected by the stench and heavy industrial tanker traffic generated by the existing tank. The roads were not built to withstand high industrial traffic. In addition to the environmental and health factors they are concerned about well-being of their loved ones because of having to share the roads not designed for industrial traffic

She questioned if DAF is an industrial waste or agricultural and continued with providing information related to an existing tank and permitting process. Ms. Kenney indicated other counties and states regulate use of storage tanks. Talbot County regulates an organic resource recovery facility, which uses poultry waste and processing waste in an anaerobic digester. Delaware considers DAF an industrial waste and regulations are stricter than Maryland. DAF is trucked to Wicomico County from Virginia and Delaware to be spread on our farmland. She expressed concerns about hazardous road conditions.

The neighbors were misled by Mr. Burns when he stated the tank is only used from December 15<sup>th</sup> to the end of February; it has been in use all year long.

Ms. Kenney recommends these tanks be placed on collector roads and not just anywhere in the County on agricultural land. She suggests considering lagoon storage and regulations requiring anaerobic digesters. She is in favor of such

facilities and it is a better environmental alternative. Tops cannot be placed on open top storage tanks because the waste decomposes and creates gas; the gas would cause the top to pop off.

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Mr. John Groutt, Wicomico Environmental Trust ("WET"), started with a question if the County has determined if there is a need for additional DAF tanks in Wicomico County. He noted Perdue is the only plant producing DAF waste in the County. Perdue Farms has entered into a 20 year contract to have all of their waste processed in an anaerobic digester near Seaford; it is environmentally sound without nuisances. No processing plants in Wicomico County currently exist to send materials to such a tank. Materials will be coming from other counties and states. Does not know what is in the material or where it is coming from.

WET and Friends of the Nanticoke applaud Perdue Farms for their efforts. WET joins the Delmarva Chicken Association's in support of the anaerobic digester facility in Seaford.

Mr. Groutt asks the Council to consider who will benefit and who will bear the burden and costs of unregulated DAF tanks in Wicomico County. He believes this is not an agricultural operation, instead it is a large-scale industrial operation that belongs in zoning areas designed to accommodate the tanks. If used in industrial areas, they will be distanced from residential and business areas and located among other large-scale industrial operations. This is not against farmers, which WET supports. It is giving agriculture a bad name and this is a heavy industrial and commercial issue needing to be addressed. The proposed zoning change is modest and begins to recognize unaddressed issues.

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Ms. Carol Dunahoo, speaking on behalf of the Friends of the Nanticoke River and WET, addressed the arguments being mentioned today concerning restrictions on DAF waste storage are bad for local agriculture. Ms. Dunahoo or the organizations she represents are not anti-agricultural. The discussion is not about agriculture or the right to farm, it is waste management.

Ms. Dunahoo stated DAF is an organic waste from poultry processing plants or rendering plants such as Valley Proteins. She continued with a brief overview of the waste management companies. The proposed amendments would govern the storage of open DAF storage and Mr. Smethurst's alternative for open DAF storage of any kind. It's a challenge to understand what agricultural needs would necessitate to permit the unregulated storage of DAF waste. Other than Perdue, which will be sending materials to an anaerobic digester for the next 20-years, there are no rendering plants in Salisbury.

Ms. Dunahoo cited we are talking about waste that will be trucked in from other counties or states purely for storage in Wicomico County. Industrial zoned

storage will not make it impossible for farmers to use DAF on their fields. DAF has been applied directly on Wicomico County farms for the past twenty-five (25) years without onsite storage anywhere in the County. Storage should not be responsibility of farmers. If a farmer chooses to store DAF in its raw form rather than using an anaerobic digester, they should have to store it appropriately during the time when it cannot be applied to land. Surprised by some agricultural interest comments in opposition to the legislation. The amendment won't prevent farmers from storing manure or other organic matter produced on their farm. If any doubt about impacts of legislation on the storage of manure or other fertilizers, amend legislation to specifically apply only to DAF.

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Mr. Sam Parker is a farmer and has no intentions to build or construct any DAF tanks as he lives and operates a farm in a highly residential area. He believes there are areas within the County where it makes sense to use this product and does not believe ruling it out entirely is a good choice. Uncertain if tanks only being permitted in industrial zones would bring any value to the farmers using the product. Not certain of truck traffic coming in and out of industrial zone near Henry S. Parker complex is wanted.

As this legislation is reviewed, Mr. Parker asks the Council to keep in mind unintended consequences that could come along with making a wide-sweeping legislation. Perhaps a solution may be to allow in A-1 land with special exemptions.

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Mr. Steve Smethurst stated he is representing most of the neighbors protesting the tank on Porter Mill Road. He mentioned the legislation does not regulate the open top tank itself but its uses.

A problem of the proposed text amendment is that it is not the way to amend a zoning code for a use being regulated. As proposed, the legislation is regulating an open-storage tank. There is not a structure in the Zoning Code that needs a special exception. Uses are regulated not structures. Agrees with most agricultural community comments opposing the text amendment. The proposed text amendment may hurt agriculture because it might regulate the use in agricultural zones for things farmers do. The product comes from a facility not a farm. It comes from an industrial facility. According to the County Zoning office this use is acceptable in the agricultural zoning district, which it is not and is only permitted in the I-2 Zoning District by special exception. This legislation eliminates any controversy in the interpretation of the code. A composting facility is permitted in the I-2 by a special exception, a text amendment should eliminate any questions.

The Zoning office made a mistake, but it was based on wrong information provided by the applicant. The applicant had to go back for stormwater management and erosion control, which the County made them submit

documents. He notified the applicant, prior to constructing the tank, that his proposal is not in conformity of code and could expect a lawsuit. The case is in front of the Court of Special Appeals.

The substitute amendment deals with materials not originating on site, which takes care of most complaints from the agricultural community. The County's proposal doesn't address this. The alternate proposal focuses on the use instead of the structure.

He suggested looking at his alternative amendment. A composting facility definition deals with materials not originating on the site. It's about the storage rather than the structure. He did not attempt to establish an acreage or setback.

---

Chairman Dashiell stated the record remains open until October 29, 2021 and interested parties can sign up for updates. He thanked the public for attending the meeting and providing their comments on this important topic. He mentioned this particular issue is impacting our farm communities as well as all who live in Wicomico County. The comments made today will be taken under consideration.

There being no further business, upon a motion by Mr. Rogers, seconded by Mr. Heath and with all members voting in favor the Commission meeting was adjourned.

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This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Wicomico County Department of Planning, Zoning, and Community Development Office.

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Charles "Chip" Dashiell, Chairman

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Keith D. Hall, AICP, Secretary

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Janae Merchant, Recording Secretary



## WICOMICO COUNTY, MARYLAND

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

125 N. DIVISION STREET, ROOM 203

P.O. BOX 870

SALISBURY, MARYLAND 21803-0870

PHONE: 410-548-4860 | FAX: 410-548-4955

John D. Psota  
Acting County Executive

John D. Psota  
Director of Administration

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### COUNTY SUBDIVISION ANALYSIS

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#### MEETING OF NOVEMBER 18, 2021

**Subdivision Name:** Minor Subdivision of Lot 2, Block 'A', "Subdivision for 5-0 Farms"

**Location:** Snow Hill Road

**Map:** 59

**Grid:** 15

**Parcel:** 32

**Acres:** 4.92 +/- acres

**Subdivision Acreage:** 4.92 +/- acres

**Lots:** 1

**Applicant:**

Brock Parker  
Parker and Associates  
528 Riverside Drive  
Salisbury, MD 21801

**Applicant:**

Charles E. Jones  
3894 Snow Hill Road  
Salisbury, MD 21804

**Zoning:** A-1 & Airport Overlay

**Jurisdiction:** Wicomico County

**Type of Plat:** Preliminary/Final Plat

**Type of Development Proposed:** Residential

#### I. EXPLANATION OF REQUEST.

This plat proposes the creation of one additional lot created from Lot 2. This would be the third lot created from that portion of the parent parcel located on the westerly side of Snow Hill Road. The parent parcel in existence at our regulatory date was Parcel 32, and that parcel was separated by Snow Hill Road. In accordance with the County's subdivision regulations, when a road divides a parcel of land, both sides of the road are allowed three inherent lots.

The proposed one-lot subdivision requires Planning Commission approval since the remainder is less than 15 acres in the A-1 zone. In this case, the "remainder" will be Lot 2A which is proposed to contain 2.60 acres.

## **II. RECOMMENDATION.**

The Planning Staff recommends approval of the subdivision as proposed. There will be no more rural density lots available from this parcel under current subdivision regulations.

## **III. SUBDIVISION STATUS.**

### **A. WAIVERS REQUIRED:**

N/A

### **B. FOREST CONSERVATION:**

The subdivision must comply with forest conservation regulations.

### **C. CHESAPEAKE BAY CRITICAL AREA:**

N/A

### **D. PROPOSED CONDITIONS:**

1. The Final Subdivision Plat shall comply with all requirements of the Wicomico County Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Subdivision Plat.
3. The Subdivision Plat shall comply with all requirements of the Forest Conservation Regulations.
4. This approval is subject to further review and approval and conditions imposed by the Planning and Zoning and Public Works Departments.

### **E. PLANNING/PUBLIC WORKS STAFF COMMENTS:**

This plat requires Planning Commission approval because the remaining lands are less than 15 acres in the A-1 zone. No further subdivisions will be allowed under current subdivision regulations.

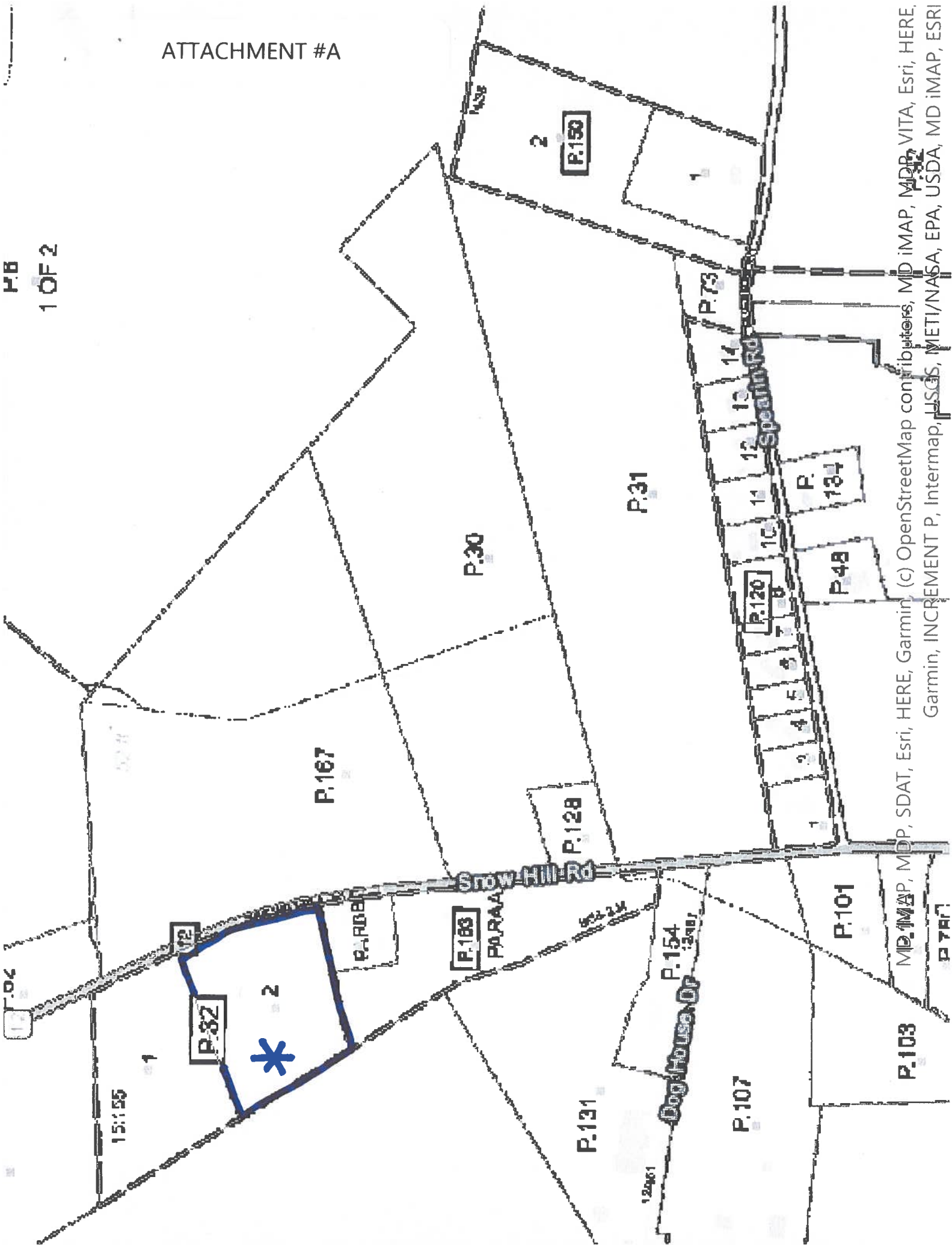
Lot sizes vary in this area from large farms to half acre lots along nearby Spearin Road. The new lot and the remainder will each be over 2 acres which maintains a rural atmosphere.

COORDINATOR: Marilyn Williams, Technical Review  
DATE: November 12, 2021

**Attachment #A – Tax Map**

**Attachment #B – Aerial Photo**

**Attachment #C – Proposed Plat**

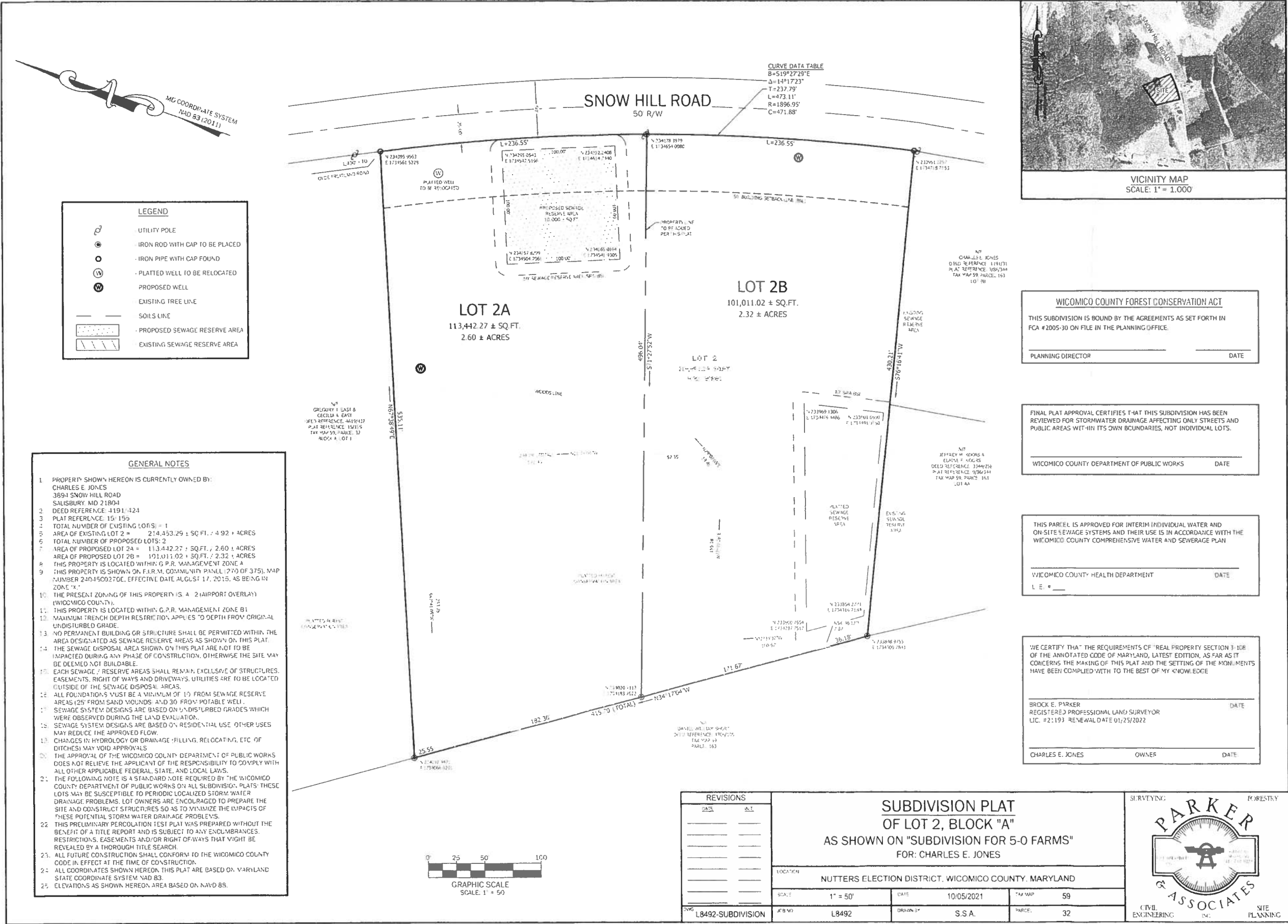


MD iMAP, MDP, SDAT, Esri, HERE, Garmin, (c) OpenStreetMap contributors, MD iMAP, MDP, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA, MD iMAP, ESRI











## **Infrastructure and Development Staff Report**

**November 18, 2021**

### **I. BACKGROUND INFORMATION:**

Project Name: Glenn Heights  
Applicant/Owner: Parker & Associates Inc. for Glen Heights, LLC  
Infrastructure and Development Case No.: 20-034  
Nature of Request: Preliminary Revised Comprehensive Development Plan Approval  
Location of Property: Glen Avenue – Parcel 2585  
Existing Zoning: R-10A Residential

### **II. SUMMARY OF REQUEST:**

Parker and Associates, on behalf of the owner, has submitted a narrative (**Attachment 1**) and a Site Plan (**Attachments 2-3**) for construction of 30 duplex homes (60 units total).

### **III. DISCUSSION:**

The applicants propose to construct 60 duplex units with new public streets, sidewalks, streetlighting and public water/sewer. The total acreage of the parcel is 16.37 acres.

### **IV. APPROVAL HISTORY:**

Annexation of this parcel was effective June 2004 (Resolution #1101). A Final Comprehensive Development Plan was approved by the Planning Commission in December 2004. The Final Subdivision Plat was approved by the Planning Commission in December 2005. The plat was recorded in the land records in December 2006 (**Attachment 4**). As of this date, the approved project was not constructed.

### **V. COMPREHENSIVE DEVELOPMENT PLAN REVIEW:**

The Zoning Code requires Comprehensive Development Plan Approval. Staff notes the following with regard to Zoning Code requirements:



#### **A. Site Plan**

- 1. Density:** The R-10A Residential District requires a minimum 15,000 sq.ft. lot for a two-family dwelling. Lot sizes range from a minimum 15,015 sq.ft. to a maximum of 26,606 sq.ft. The district also requires minimum lot widths of 80 ft. Minimum width proposed is 100 ft. Proposed density is just slightly above 0.27 units per acre.
- 2. Parking/Streets:** The Zoning Code requires parking to be provided at 2 spaces per dwelling. The proposal shows 12x18 driveways with a garage.
- 3. Refuse Disposal:** Code requires refuse disposal areas to be screened on 3 sides. Refuse disposal area(s) are not indicated on the plan. The plan states trash collection to be private.
- 4. Building Setbacks/Spacing:** All structures meet or will meet or exceed front (25 ft.), rear (30 ft.) and side (10 ft.) setback minimums.
- 5. Height:** The R-10 A residential district limits building height to 40 ft.
- 6. Open Space:** The plan shows open space in center of the project with stormwater management practices throughout the project.
- 7. Sidewalks:** The plan indicates the provision of sidewalks installed throughout the development.

#### **B. Building Elevations**

Building elevations were not included with the plan. A sample building elevation is requested prior to Final approval.

#### **C. Sign Plan**

No details regarding signage for the community center has been provided.

#### **D. Landscaping Plan**

A landscaping plan was included with attachment 3 including crepe myrtles, white pine and Leyland cypress.

#### **E. Development Schedule**



# City of Salisbury

Jacob R. Day, Mayor

Construction is expected to begin once all approvals have been granted. A specific development schedule was not indicated, but will be required prior to final approval.

## **F. Community Impact Statement**

The applicant has requested a waiver for this requirement. The Commission previously waived this requirement.

## **G. Statement of Intent to Proceed and Financial Capability**

The applicant has requested a waiver for this requirement. The Commission previously waived this requirement.

## **H. Fire Service**

The project is subject to further review by the Salisbury Fire Department.

## **I. Stormwater Management**

The Stormwater Management Plan will be reviewed by the Salisbury Department of Infrastructure & Development.

## **J. Forest Conservation Program**

Forest Conservation Program requirements will be met prior to issuance of building permits.

## **VI. PLANNING CONCERNS**

- The plan previously approved by the Commission in 2004 included a connection to the neighboring development to the south, Stone Gate. The current plan shows Stonehurst Drive ending in a cul-de-sac. City staff has determined it would be in the best interest of the public to have this connection made for vehicular and pedestrian access and emergency services. Currently, there are no deeds recorded in land records granting ownership of the roadbed in Stone Gate to the City of Salisbury. There is only the area marked 'Area Reserved for Future Extension' on the Stone Gate plat (**Attachment 5**) and the Glen Heights plat. The City's legal team is currently reviewing to determine if the City can have this road built with only a reservation.

## **VII. RECOMMENDATION**

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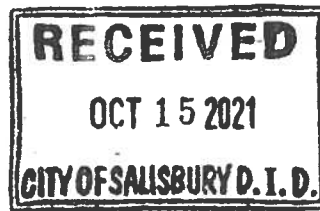
Department of Infrastructure & Development  
125 N. Division St., #202 Salisbury, MD 21801  
410-548-3170 (fax) 410-548-3107  
[www.salisbury.md](http://www.salisbury.md)



City of  
**Salisbury**  
Jacob R. Day, Mayor

Staff recommends approval of the Preliminary Revised Comprehensive Development Plan for Glenn Heights, with the following conditions:

1. The site shall be developed in accordance with a Final Comprehensive Development Plan Approval that meets all Code Requirements. Minor plan adjustments may be approved by the Salisbury Department of Infrastructure and Development. Detailed building elevations, landscaping and lighting plan shall be incorporated in the Final Comprehensive Plan;
2. Provide building elevations prior to final plan approval;
3. Provide a detailed signage plan for approval by the Planning Commission;
4. Provide development schedule;
5. The project will comply with all requirements of the Forest Conservation Act;
6. Make connection to Stone Gate for vehicular and pedestrian access if the City's determines this can be done;
7. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development and the Salisbury Fire Department.



528 RIVERSIDE DRIVE  
SALISBURY, MD 21801  
PHONE: 410-749-1023  
FAX: 410-749-1012  
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING   CIVIL ENGINEERING   •   LAND PLANNING   FORESTRY SERVICES

City of Salisbury 10/7/2021  
Department of Infrastructure & Development  
City of Salisbury  
125 N. Division Street  
Salisbury, MD 21801

Attn: Brian Wilkins  
Ref: Glenn Heights Revised Comprehensive Development Plan

Dear Brian,

Attached hereto, please find our proposed revised comprehensive development plan for the Glenn Heights residential project. It is the intent of this submittal to respectfully seek approval of this revised plan, in accordance with sections 17.150 and 17.108 of the zoning code, so that we may finalize engineering and development plans based upon the confidence that this is acceptable to the commission.

This comprehensive development plan reflects the redevelopment of the previously approved Glenn Heights subdivision. The original subdivision recorded in 2006 proposed 90 Townhouse units and 3 City streets. Our client has opted to redevelop the property to provide 30 duplex units (60 residential units) each with three bedrooms and a garage, therefore the density and uses proposed are less in scope and impact than that of the previously approved planned residential district site plan.

Each unit will be on its own lot, with areas of open space throughout the site. All construction and development on this project will be in accordance with the zoning code, as well as the city of Salisbury construction specifications. All sewer, roads, and water will be public entities, while trash collection will be private. Each unit also has its own driveway in addition to the garage, therefore no additional off-street parking will be required. This proposed site plan maintains two previously-dedicated town streets for use within the project.

Additionally, I would also like to respectfully request waivers of the community impact statement, the letter of financial capability, and of intent to proceed. The developer already owns this property and is quite anxious to proceed to construction and certainly has the desire and ability to proceed.

If I may be of further service to you whatsoever, please do not hesitate to ask. Thank you for your help on this matter

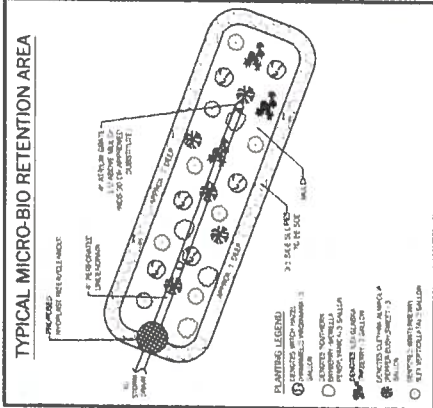
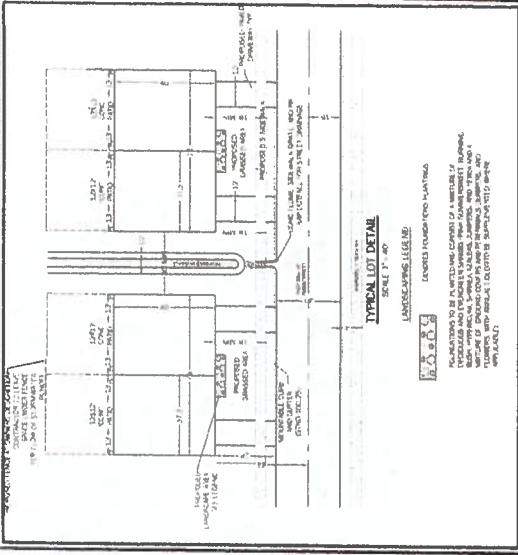
ATTACHMENT 1



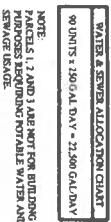












PARCELS 1, 2 AND 3 ARE NOT FOR BUILDING PURPOSES REQUIRING POTABLE WATER AND SEWAGE USAGE.

**VANZONI CONSTRUCTION EASEMENT NOT**

[illegible]

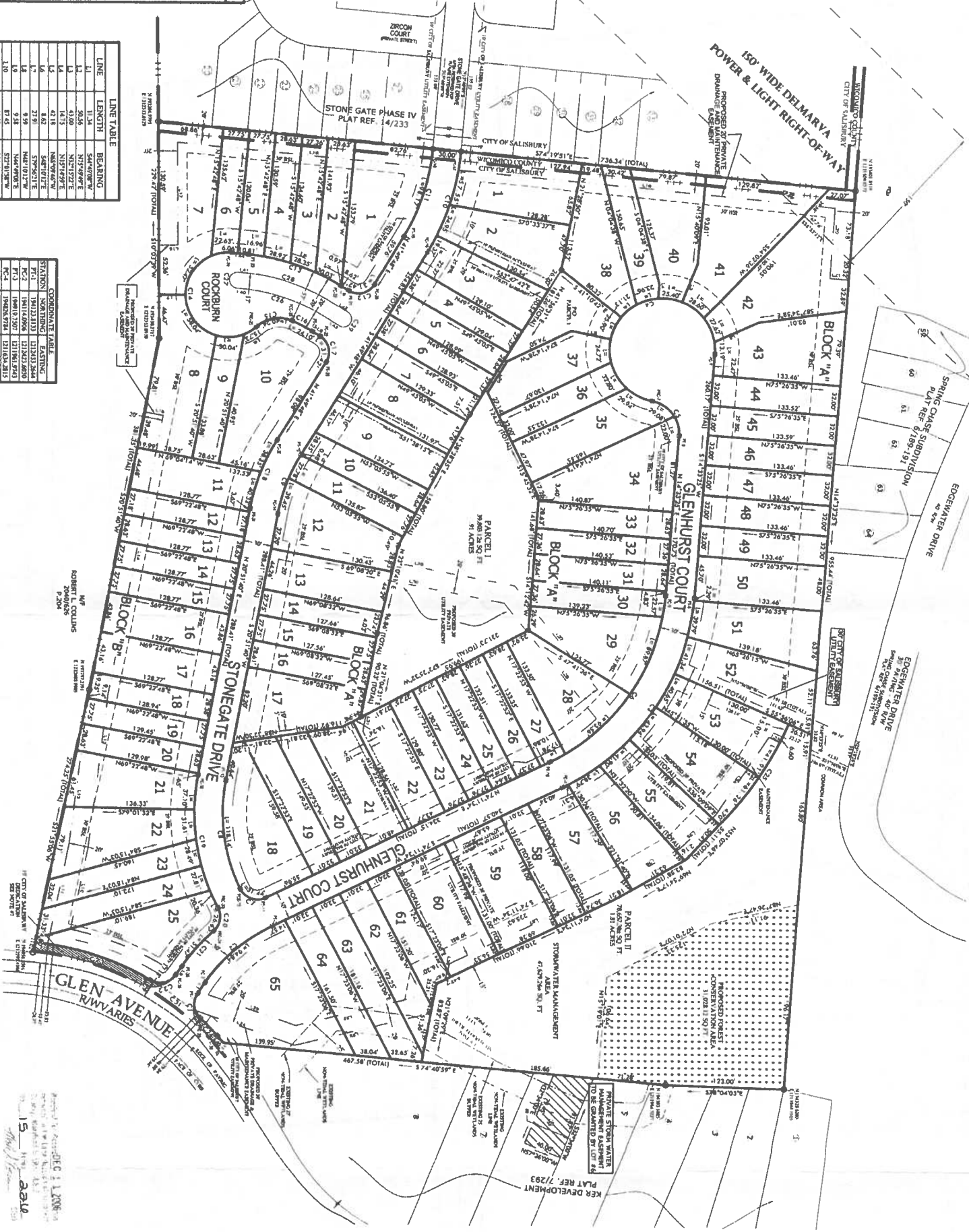
## GENERAL NOTES

- [illegible]

LINE TABLE	
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L3	41.00
L4	41.00
L5	42.18
L6	42.18
L7	27.91
L8	9.49
L9	87.45
L10	87.45
L11	97.21
L12	64.57
L13	51.175W
L14	51.175W
L15	569497E
L16	51.003W
L17	51.003W
L18	51.175W
L19	51.175W
L20	72.88
L21	30.00
L22	151.91
L23	108.68
L24	108.68
L25	57.75
L26	19.64
L27	16.04
L28	16.04
L29	250.18
L30	241.7
L31	14.71
L32	14.44
L33	99.29
L34	51.56
L35	82.66
L36	19.50
L37	19.50
L38	0.29
L39	8.17
L40	8.17
L41	51.003W
L42	51.003W
L43	51.003W
L44	51.003W
L45	51.003W
L46	51.003W

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PT-2	1940.0132	12120.2401
PT-3	1940.0150	12120.2401
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PT-6	1940.0201	12119.9949
PT-7	1940.0216	12119.9949
PT-8	1940.0232	12119.9949
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PT-36	1940.0734	12119.9949
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PT-82	1940.1562	12119.9949
PT-83	1940.1580	12119.9949
PT-84	1940.1598	12119.9949
PT-85	1940.1616	12119.9949
PT-86	1940.1634	12119.9949
PT-87	1940.1652	12119.9949
PT-88	1940.1670	12119.9949
PT-89	1940.1688	12119.9949
PT-90	1940.1706	12119.9949
PT-91	1940.1724	12119.9949
PT-92	1940.1742	12119

CLINE PAIR		CLINE PAIR			
CLINE	LENGTH	RADIUS	COORD	INCRNT	DELTA
C1	38.41	20.00	24.68	13.27	97.22
C2	18.00	20.00	34.68	14.46	97.22
C3	15.00	24.00	24.65	16.61	97.00
C4	22.00	24.00	34.65	17.80	97.00
C5	23.78	21.00	24.62	19.95	96.78
C6	23.78	21.00	34.62	21.14	96.78
C7	31.44	20.00	23.87	20.00	96.04
C8	31.44	20.00	33.87	21.19	96.04
C9	18.16	18.00	18.16	36.36	207.88
C10	18.16	18.00	28.16	36.36	207.88
C11	18.17	21.00	28.17	36.37	207.89
C12	18.17	21.00	38.17	36.37	207.89
C13	104.52	22.00	22.52	20.00	96.04
C14	104.52	22.00	32.52	21.19	96.04
C15	128.91	40.00	42.29	10.57	227.47
C16	128.91	40.00	52.29	11.76	227.47
C17	31.42	30.00	31.42	20.00	96.04
C18	31.42	30.00	41.42	21.19	96.04
C19	143.37	21.00	143.37	35.59	374.44
C20	143.37	21.00	243.37	36.78	374.44
C21	51.67	21.00	33.67	15.54	191.00
C22	51.67	21.00	43.67	16.73	191.00
C23	122.00	20.00	22.00	11.00	247.00
C24	26.09	20.00	26.09	1.00	60.90
C25	121.78	21.00	121.78	34.67	360.32
C26	121.78	21.00	221.78	35.86	360.32
C27	26.07	8.00	8.00	11.00	48.00
C28	26.07	8.00	18.00	12.19	48.00
C29	33.67	14.00	33.67	14.00	48.00
C30	33.67	14.00	43.67	15.19	48.00
C31	65.52	30.00	65.52	12.00	120.00
C32	65.52	30.00	75.52	13.19	120.00



WATER AND SEWER SHALL BE AVAILABLE TO ALL LOTS  
OFFERING FOR SALE  
BYRON L. LLOYD DEVELOPMENT, LLC  
C/O KIM KIMMAMON  
11-65-N-  
DATE

		AREA VALUE									
LOT	BLK	50 FT	LOT	BLK	50 FT	LOT	BLK	50 FT	LOT	BLK	50 FT
1	A	1,760.00	21	A	4,601.33	61	A	3,315.65			
2	A	2,800.00	22	A	4,888.00	62	A	3,069.15			
3	A	3,011.49	23	A	4,888.00	63	A	3,069.15			
4	A	3,011.49	24	A	4,127.44	64	A	3,546.80			
5	A	3,011.49	25	A	2,758.90	65	A	3,546.80			
6	A	3,523.49	26	A	4,125.67	1	B	1,601.24			
7	A	1,672.49	27	A	3,551.11	2	B	4,225.25			
8	A	3,011.49	28	A	4,601.33	3	B	3,069.15			
9	A	3,011.49	29	A	4,601.33	4	B	3,069.15			
10	A	3,011.49	30	A	4,601.33	5	B	3,069.15			
11	A	3,315.65	41	A	10,714.49	6	B	1,601.24			
12	A	3,523.49	42	A	11,259.49	7	B	1,601.24			
13	A	3,523.49	43	A	4,270.62	8	B	1,601.24			
14	A	3,523.49	44	A	4,270.62	9	B	1,601.24			
15	A	3,523.49	45	A	4,270.62	10	B	1,601.24			
16	A	3,523.49	46	A	4,270.62	11	B	1,601.24			
17	A	3,523.49	47	A	4,270.62	12	B	1,601.24			
18	A	4,601.33	48	A	4,601.33	13	B	1,601.24			
19	A	4,601.33	49	A	4,601.33	14	B	1,601.24			
20	A	4,601.33	51	A	6,969.01	15	B	1,601.24			
21	A	6,645.51	52	A	6,969.01	16	B	1,601.24			
22	A	3,554.49	53	A	2,758.94	17	B	3,557.15			
23	A	3,554.49	54	A	3,554.49	18	B	3,557.15			
24	A	3,554.49	55	A	3,554.49	19	B	3,557.15			
25	A	3,315.65	56	A	4,601.33	20	B	17,197.92			
26	A	3,315.65	57	A	6,645.18	21	B	3,557.15			
27	A	3,315.65	58	A	6,645.18	22	B	3,557.15			
28	A	3,315.65	59	A	6,645.18	23	B	3,557.15			
29	A	3,315.65	60	A	6,645.18	24	B	3,557.15			
30	A	3,315.65	61	A	6,645.18	25	B	3,557.15			

PINAL PLAT ATTEMPTON AT CORRECTIONS THAT THERE IS NO RECORDING HAS BEEN RECEIVED FROM STATEWIDE HEALTH DEPARTMENTAL BALANCE AFFECTING ONLY STREET AND PUBLIC AREAS WITHIN ITS OWN BOUNDARIES NOT MUNICIPAL LOT

*[Signature]*

CITY OF SALT LAKE CITY DEPARTMENT OF PUBLIC WORKS

*[Signature]*

CITY OF SALT LAKE CITY PLANNING COMMISSION

*[Signature]*

CITY OF SALT LAKE CITY PLANNING DIRECTOR

DATED \_\_\_\_\_ DATE \_\_\_\_\_

12 DEC 86

12-07-86

11-30-86

DATE

THOSE LOTS ARE TO BE SERVED BY CITY OF SALT LAKE CITY PUBLIC WATER AND SEWER

*Marian Buchanan*

WINDCROCK COUNTRY HEALTH REHABILITATION

11/22/86

DATE

RECEIVED  
11-29-06  
DATE

PLANNING DIRECTOR

THE SUBMITTING IS REQUIRED BY THE ACADEMICITY SET  
10/18/11 IN A V.A. 10/18/11 ON FILE IN THE PLANNING OFFICE

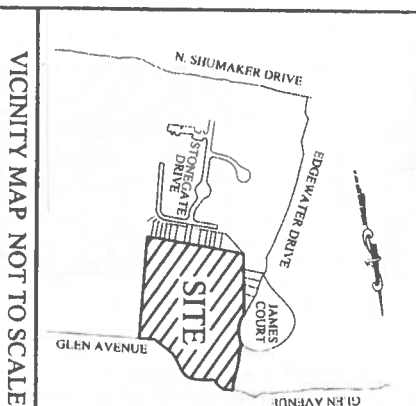
NO CERTIFY THAT THE RECORDS OF THE ACADEMICITY OF THE ACADEMICITY  
SECTION 1.001 OF THE ACADEMICITY CODE OF ACADEMICITY  
LATEST EDITION, AS FAR AS IT CONCERNS THE MAKING OF  
RECORDS, SHALL BE KEPT IN THE BEST OF OUR KNOWLEDGE  
AND BELIEF.

11-29-06  
DATE

PHILIP A. JAMES, JR. (H-1013)

11-29-06  
DATE

BRIDLEY LAND DEVELOPMENT, LLC OWNS DATE









City of  
**Salisbury**  
Jacob R. Day, Mayor

## **Infrastructure and Development Staff Report**

**Meeting of November 18, 2021**

### **I. BACKGROUND INFORMATION:**

**Project Name:** The Centre at Salisbury - Subdivision

**Applicant:** Parker & Associates, Inc.  
528 Riverside Drive  
Salisbury, MD 21801

**Owner:** Salisbury Mall Realty Holdings LLC  
1010 Northern Blvd., Suite 212  
Great Neck, NY 11021

**Infrastructure and Development Project No.:** 21-040

**Nature of Request:** Preliminary/Final Subdivision Approval

**Location of Property:** Centre Drive, Salisbury, MD

**Zoning District:** General Commercial

**Tax Map and Parcel:** Map 119, Grid 15, Parcel 237

**Area:** 40.47 Acres

### **II. EXPLANATION OF REQUEST:**

The owner proposes subdivision of the Centre at Salisbury property into 3 additional parcels ranging from 3.33 to 5.77 acres in size. The balance of the subdivided parcel being 44.25 acres (labeled as 'Parcel 1A'). All lots have frontage on Centre Drive with City services and utilities available. A Preliminary Subdivision Plat with narrative has been submitted (**Attachments 1-5**). Per City of Salisbury Subdivision Regulations, this subdivision plat requires Planning Commission approval.

### **III. RECOMMENDATION:**

The proposed subdivision conforms to development standards for General Commercial zoning as stated in the City of Salisbury Municipal Code (Chapter 17.36.060) for lot size (min. 10,000 sq.ft.) and lot width (80 ft.) Planning Staff recommends granting Preliminary/Final



# City of Salisbury

Jacob R. Day, Mayor

Subdivision Plat Approval for the Centre at Salisbury Subdivision, subject to all conditions of approval being met.

## IV. SUBDIVISION STATUS:

### A. WAIVERS REQUIRED:

N/A

### B. FOREST CONVERSATION:

A Forest Conservation Plan shall be approved by Wicomico County Planning & Zoning prior to approval and recordation of the plat.

### C. CHESAPEAKE BAY CRITICAL AREA:

N/A

### D. PROPOSED CONDITIONS:

1. The Final Plat shall comply with all requirements of the Salisbury Subdivision Regulations.
2. Health Department approval is required prior to the recordation of the Final Plat.
3. The Final Plat shall comply with all requirements of the Forest Conservation Program.
4. This approval is subject to further review and approval by the Salisbury Department of Infrastructure and Development.

### E. PLANNING STAFF COMMENTS:

1. Staff has no comments.



528 RIVERSIDE DRIVE  
SALISBURY, MD 21801  
PHONE: 410-749-1023  
FAX: 410-749-1012  
WWW.PARKERANDASSOCIATES.ORG

LAND SURVEYING      CIVIL ENGINEERING      •      LAND PLANNING      FORESTRY SERVICES

November 9, 2021

City of Salisbury, Department of Infrastructure & Development

Attn: Brian Wilkins

RE: Subdivision of Parcel 1, "Subdivision plat for Springhill Limited Partnership", The Centre at Salisbury

Dear Brian,

On behalf of Salisbury Mall Realty Holding LLC, we are hereby respectfully requesting to be placed on next week's Planning Commission agenda for the above referenced project. The objective of this request is to obtain final approval on the Subdivision plat, titled "Subdivision of Parcel 1, Subdivision Plat for Springhill Limited Partnership, The Centre at Salisbury" for final recording. The property is located on Tax Map 119, Parcel 237 and is also known as The Centre at Salisbury. The property consists of 9 Parcels. This project concentrates on Parcel 1 which contains an area of 40.47 acres and the subdivision into 4 new parcels (Parcel 1A, 10, 11 and 12) for further business opportunities.

Sincerely,

Elise Steele

PARKER & ASSOCIATES, INC.

528 RIVERSIDE DRIVE, SALISBURY, MARYLAND 21801

PHONE: (410) 749-1023 FAX: (410) 749-1012

E-MAIL: [elise@parkerandassociates.org](mailto:elise@parkerandassociates.org)

ATTACHMENT 1



LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S5°17'03"E	33.57
L2	N40°24'54"E	104.20
L3	S69°29'16"W	67.69
L4	S68°56'54"W	29.79
L5	S21°03'06"E	41.11
L6	S68°57'06"W	30.00
L7	S21°03'06"E	33.00
L8	S68°57'06"W	73.02
L9	N68°52'45"E	114.00
L10	S66°14'19"E	40.89
L11	S20°56'07"E	58.80
L12	S69°28'44"W	28.53




- THE PROPERTY SHOWN HEREON IS CURRENTLY OWNED BY:  
SALISBURY MA REALTY HOLDING LLC  
1010 NORTHERN BOLD SUITE 212  
GREENTREE, NJ 07031
- DEED REFERENCE: 48114/3
- PLAT REFERENCE: 8/298/303
- TOTAL AREA OF THIS PROPERTY IS 1,672,676.78 SQ.FT./40.47± ACRES.
- TOTAL NUMBER OF PROPOSED PARCELS = 5
- TOTAL NUMBER OF EXISTING PARCELS = 1
- THE PRESENT ZONING OF THIS PROPERTY IS : GENERAL COMMERCIAL
- THIS PROPERTY IS LOCATED WITHIN C. D. R. MANAGEMENT ZONE A
- THE PROPERTY IS SHOWN ON F.L.R.M. COMMUNITY PANEL MAP NO. #2405031.14E (PANEL 1.14 OF 375), DATED 8/17/2015, AS BEING IN FLOOD ZONE X, AREA OF MINIMAL FLOODING.
- CITY PROPERTY MAP NUMBER IS 181 & 201
- THE CITY OF SALISBURY HAS APPROVED STAMPESS IN THE DEED OF EASEMENT DATED JUNE 25, 1993 BY SPRINGHILL...SALISBURY LIMITED PARTNERSHIP (L3456125)
- ALL NON-CITY UTILITIES, SUCH AS BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, GAS AND CABLE, ARE LOCATED WITHIN THE CITY OF SALISBURY UTILITY EASEMENT. PERPENDICULAR CROSSINGS WILL BE ALLOWED.
- FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS SALISBURY MA REALTY HOLDING LLC HEREBY GRANTS TO THE CITY OF SALISBURY THAT IN THE FUTURE IT WILL NOT CONSTRUCT ANY ROADS, PAVING OR STRUCTURAL IMPROVEMENTS, PLANT TREES, SHRUBS OR PLACE ANY LANDSCAPING OTHER THAN GRASS IN OR ON THE EASEMENT AREAS OR IN THE FUTURE ABOVE THE SURFACE OF THE LAND OR ANY PAVING OR SIDEWALK THEREON OVER THE EASEMENT HEREBY CONVEYED, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY OR APPROVAL OF A SITE PLAN SHOWING SUCH IMPROVEMENTS BY AN AUTHORIZED CITY OFFICIAL. ANY CONSENT OR APPROVAL FOR SUCH CONSTRUCTION OR IMPROVEMENTS THAT ARE UNREASONABLY WITHHELD AND IS HEREBY GIVEN BY THE CITY FOR THE IMPROVEMENTS THAT NOW EXIST IN THE EASEMENT AREAS. AFTER THE INITIAL WATER MAIN INSTALLATION, THE SURFACE OF THE PRIOR UNIMPROVED PORTION OF THE EASEMENT SHALL BE MAINTAINED BY SALISBURY MA REALTY HOLDING LLC AND ITS SUCCESSORS AND ASSIGNS, PROVIDED, HOWEVER, THAT THE CITY OF SALISBURY SHALL RESTORE THE SURFACE OF THE EASEMENT AREA TO ITS ORIGINAL CONDITION UPON COMPLETION OF ANY CITY CONSTRUCTION, REPAIR, INSPECTION.
- CITY OF SALISBURY UTILITY EASEMENTS SHALL BE RESERVED FOR FUTURE USE BY THE CITY AT NO COST TO THE CITY FOR CITY UTILITY INSTALLATION, SIDEWALK, DRAINAGE OR OTHER SUCH PUBLIC USE, WHICH MAY BE DETERMINED BY THE DIRECTOR OF PUBLIC WORKS AND SHALL BE MAINTAINED BY THE INDIVIDUAL LOT OWNERS OR THE OWNER'S ASSOCIATION. NO STRUCTURAL IMPROVEMENTS, TREE OR SHRUB REMOVAL OR THE PLACEMENT OF ANY LANDSCAPING OTHER THAN GRASS CAN BE MADE IN OR ON THE CITY OF SALISBURY UTILITY EASEMENTS, INCLUDING IN THE AIR RIGHTS OVER THE EASEMENTS, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY OF SALISBURY.
- WATER MAINS, CABLE, GAS AND CABLE SHALL BE RESERVED FOR THIS SUBDIVISION; SUBJECT TO MUNICIPAL, STATE AND FEDERAL LAWS AND REGULATIONS.
- OWNER/DEVELOPER, AND SUBSEQUENT OWNERS, THEIR SUCCESSORS AND ASSIGNS, SHALL NOT BE RESPONSIBLE FOR THE COST OF ANY AND/OR THE IMPROVEMENTS CONSTRUCTION PLAN, AS APPROVED BY THE SALISBURY DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT, WITH CONSTRUCTION, GRADING OR LANDSCAPING.
- ALL CITY UTILITY EASEMENTS, INCLUDING BUT NOT LIMITED TO, ELECTRIC, TELEPHONE, GAS AND CABLE SHALL BE INSTALLED OUTSIDE THE CITY OF SALISBURY UTILITY EASEMENT UNLESS WRITTEN CONSENT IS OBTAINED FROM THE CITY OF SALISBURY.
- PER THE CITY OF SALISBURY TOWN PLAN B.6: IF A STORMWATER MANAGEMENT PLAN INVOLVES DIRECTION OF SOME OR ALL RUNOFF OFF OF THE SITE, IT IS THE RESPONSIBILITY OF THE DEVELOPER TO OBTAIN FROM ADJACENT PROPERTY OWNERS ANY EASEMENTS OR OTHER NECESSARY PROPERTY INTERESTS FOR THE DIRECTION OF WATER. APPROVAL OF A STORMWATER MANAGEMENT PLAN DOES NOT CREATE OR AFFECT ANY RIGHT TO DIRECT RUNOFF INTO ADJACENT PROPERTY WITHOUT THAT PROPERTY OWNERS PERMISSION.
- AN EASEMENT OR INTEREST IN THE EASEMENT WILL ENCOMPASS THE ENTIRE PROPERTY FOR THE BENEFIT OF ALL PARCELS TO MAINTAIN ACCESS TO ALL PARCELS.
- PRIVATE IRRIGATION LINES SHALL NOT BE INSTALLED IN CITY RIGHTS OF WAY OR EASEMENTS. THE CITY OF SALISBURY DEPARTMENT OF INFRASTRUCTURE AND DEVELOPMENT,

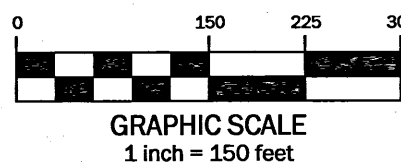
COORDINATE POINT TABLE		
POINT #	NORTHING	EASTING
1	270487.2290	1722534.6010
2	270581.8976	1722579.4314
3	270897.9785	1722687.4851
4	271015.5084	1722870.4236
5	270955.2289	1723475.4535
6	270918.5149	1723617.6052
7	270827.2868	1723684.2384
8	270603.8731	1723753.8894
9	270459.1318	1723799.0024
10	270154.8754	1723893.8330
11	269910.6012	1723936.9191
12	269901.5681	1723975.4696
13	268876.2281	1723884.0800
14	268724.1219	1723741.1542
15	268866.4655	1723701.1793
16	268889.0952	1723201.8496
17	268976.5421	1722899.7675

COORDINATE POINT TABLE			
POINT #	NORTHING	EASTING	
18	269039.9018	1728322.1004	
19	269063.6209	172895.4986	
20	269413.3104	1723048.6854	
21	269424.0113	1723076.4831	
22	269462.3775	1723061.7180	
23	269473.1522	1723089.7613	
24	269503.9497	1723077.8623	
25	269530.1753	1723146.0102	
26	269730.1221	1723068.9570	
27	269689.0436	1722962.5157	
28	269705.5193	1722925.1914	
29	269755.7676	1722905.5679	
30	270010.8124	1722331.7395	
31	270044.2397	1722328.6478	
32	270351.5087	1724245.9128	
33	270430.8434	1724293.4675	
34	270949.3444	1725354.5170	

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DELTA
C1	174.83	465.00	173.80	21°32'31"
C2	234.62	217.00	138.74	76°48'56"
C3	204.63	175.00	193.17	66°59'49"
C4	248.72	975.00	248.05	12°04'36"58"
C5	244.12	237.00	130.76	50°51'43"
C6	335.70	275.00	192.35	69°56'33"
C7	150.60	575.00	150.17	15°00'24"
C8	331.00	415.00	322.30	45°41'55"

**LEGEND**

	= IRON ROD W/CAP PLACED
	= 10' PRIVATE UTILITY EASEMENT
	= CITY OF SALISBURY UTILITY EASEMENT



**PURPOSE STATEMENT**

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 237 TO CREATE 3 NEW PARCELS.

[illegible]

**SUBDIVISION**  
**"OF PARCEL 1, SUBDIVISION PLAT FOR**  
**SPRINGHILL LIMITED PARTNERSHIP"**  
**THE CENTRE AT SALISBURY**  
**OWNER: SALISBURY MALL REALTY HOLDING LLC**

LOCATION CITY OF SALISBURY

SCALE	1" = 150'	DATE	10/14/2021	TAX MAP	119
-------	-----------	------	------------	---------	-----

JOB NO.	S1625	DRAWN BY	EDR	PARCEL	237
---------	-------	----------	-----	--------	-----

SURVEYING FORESTRY

**PARKER**

ESTABLISHED 1977 SILVERDALE, CALIFORNIA 94595-7496-502

**& ASSOCIATES**

CIVIL ENGINEERING INC. SITE PLANNING

# PRELIMINARY

**RECEIVED**  
OCT 29 2021  
CITY OF SALISBURY D.I.D.

"I/WE CERTIFY THAT THE REQUIREMENTS OF REAL PROPERTY SECTION 3-108 OF THE ANNOTATED CODE OF MARYLAND, LATEST EDITION, AS FAR AS IT CONCERNS THE MAKING OF THIS PLAT AND THE SETTING OF MARKERS HAVE BEEN COMPLIED WITH"

BROCK E. PARKER  
REGISTERED PROFESSIONAL LAND SURVEYOR  
LIC. #21193 RENEWAL DATE 01/25/2022

SALISBURY MALL REALTY HOLDING LLC OWNER  
C/O FELIX REZNICK

SALISBURY MALL REALTY HOLDING LLC  
1010 NORTHERN BLVD  
SUITE 212  
GREAT NECK NY 11021

COMMUNITY WATER AND SEWER WILL BE AVAILABLE TO ALL LOTS OFFERED FOR SALE.

WICOMICO COUNTY HEALTH DEPARTMENT

DATE \_\_\_\_\_

L. E. # \_\_\_\_\_

APPROVED: CITY PROJECT # 21-040  
CITY OF SALISBURY  
DEPARTMENT OF INFRASTRUCTURE  
AND DEVELOPMENT

APPROVED:  
CITY OF SALISBURY, PLANNING COMMISSION

---

PLANNING COMMISSION

DATE

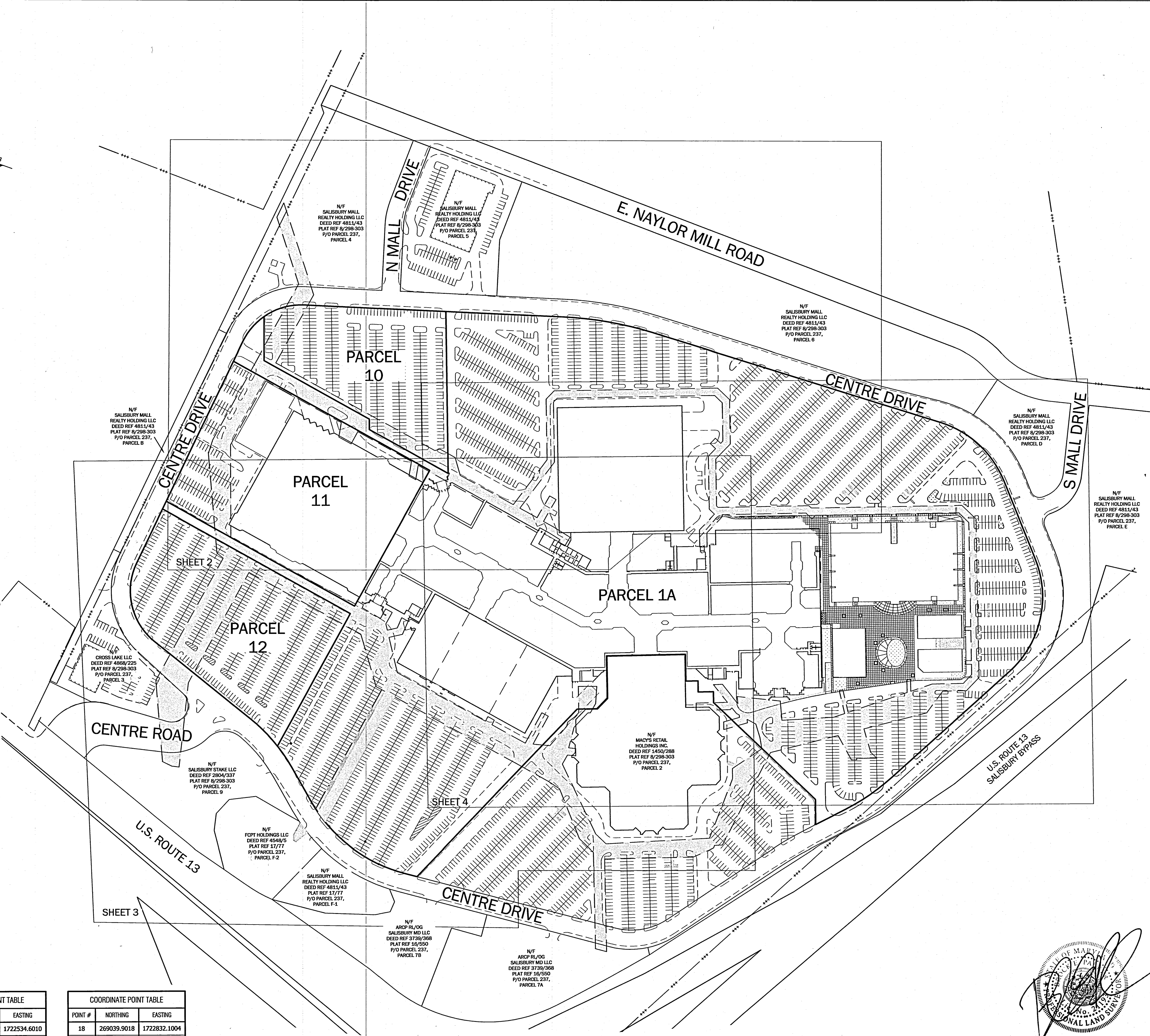
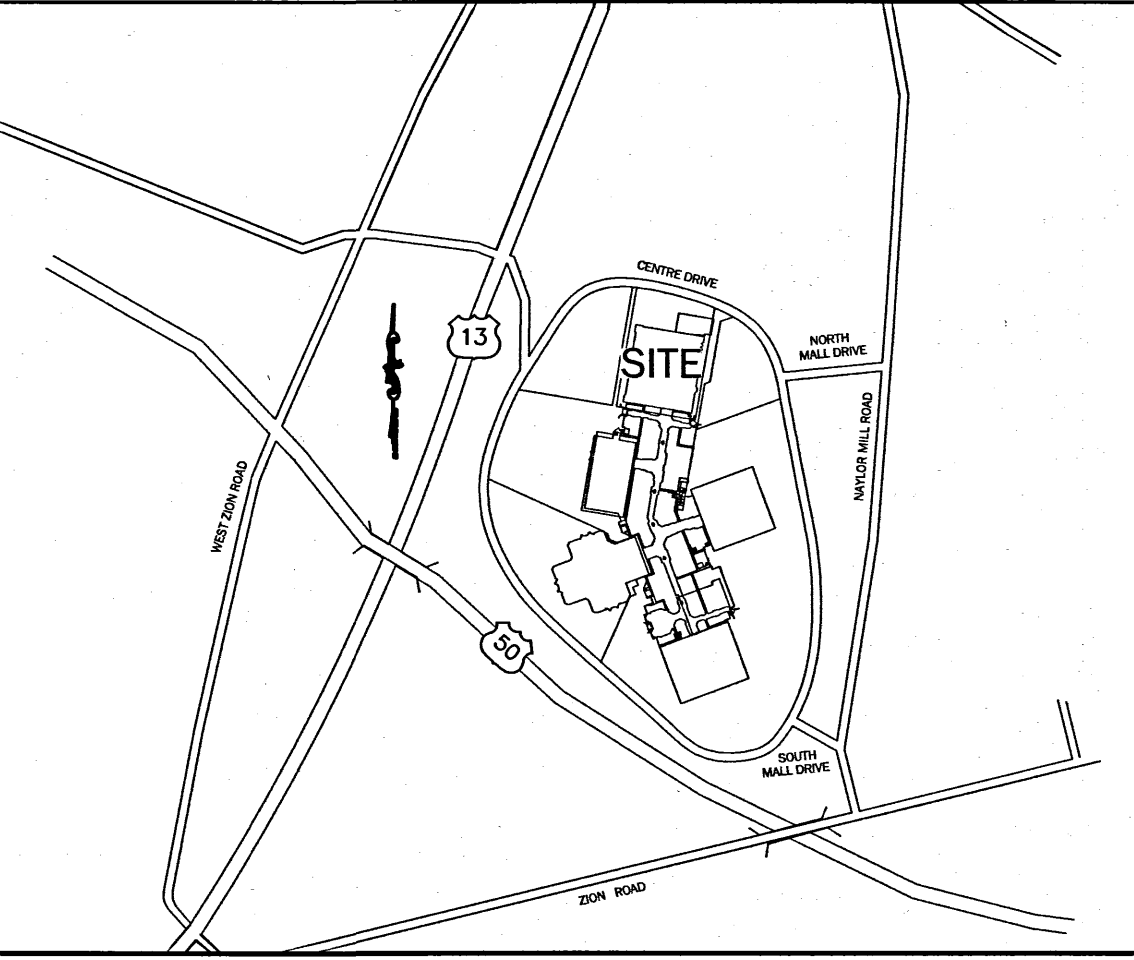
WICOMICO COUNTY FOREST CONSERVATION ACT

THIS SITE IS LOCATED IN A PRIORITY FUNDING AREA AND IS EXEMPT FROM THE FOREST CONSERVATION ACT. AN FCA EXEMPTION NUMBER IS NOT REQUIRED.

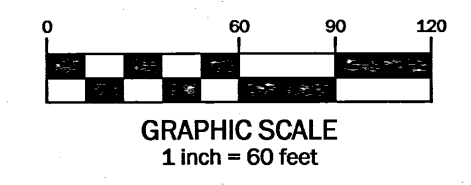
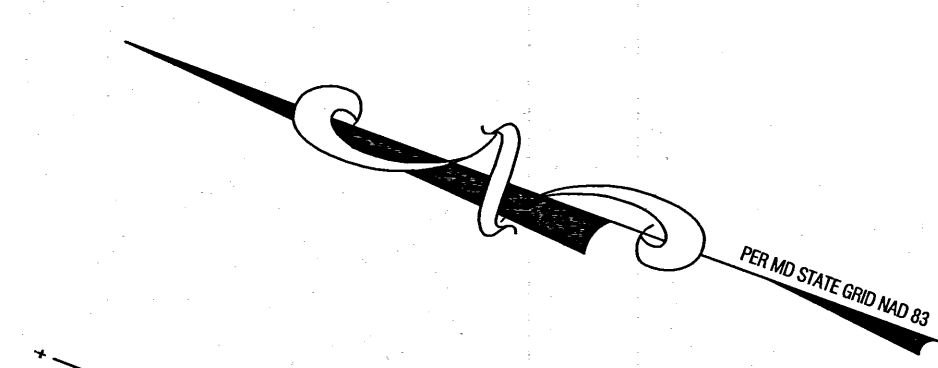
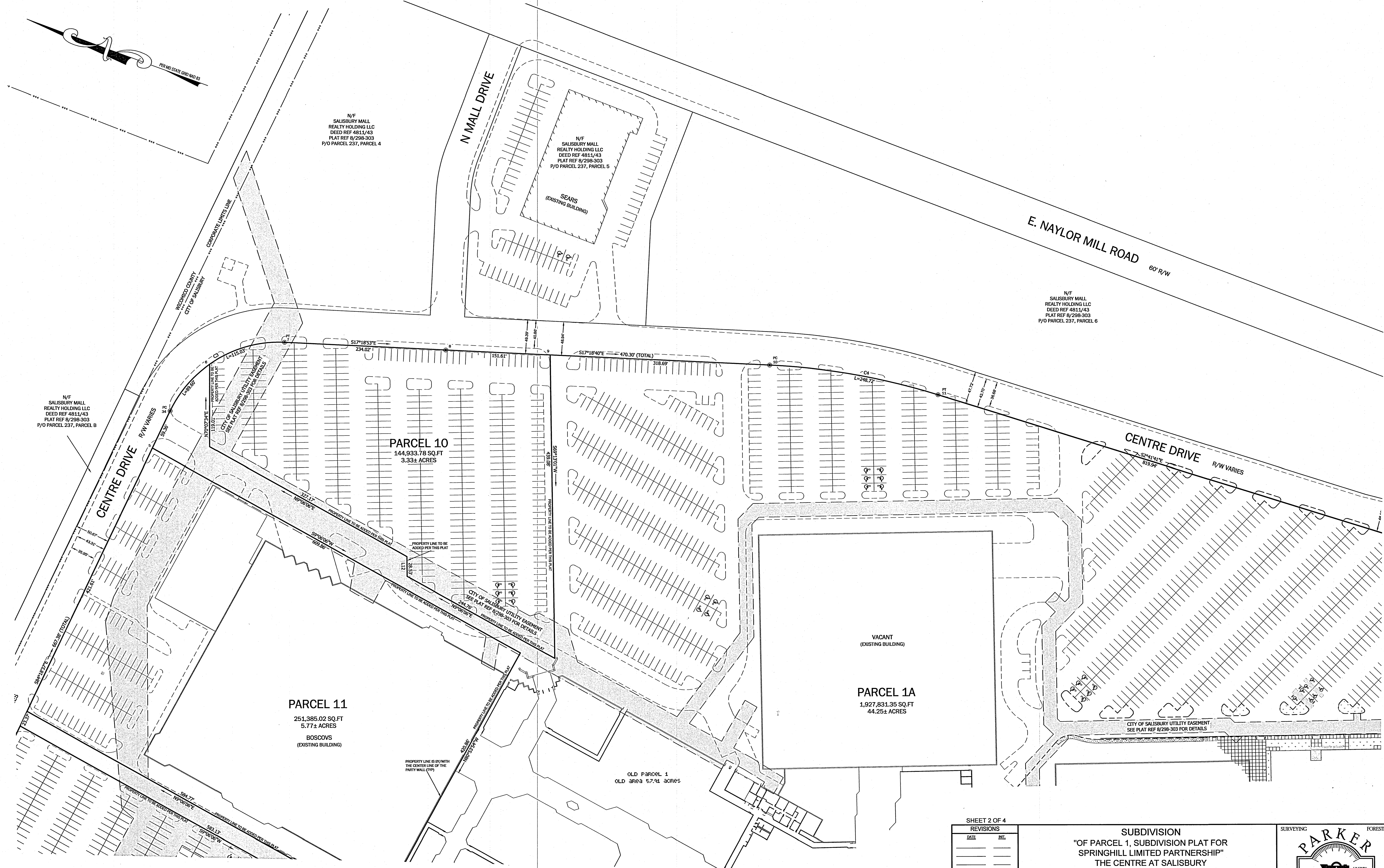
\_\_\_\_\_  
PLANNING DIRECTOR

\_\_\_\_\_  
DATE

VICINITY MAP 1" = 2000'







SHEET 2 OF 4

REVISIONS	
DATE	BY

OF PARCEL 1, SUBDIVISION PLAT FOR  
SPRINGHILL LIMITED PARTNERSHIP"

THE CENTRE AT SALISBURY

OWNER: SALISBURY MALL REALTY HOLDING LLC

LOCATION

CITY OF SALISBURY  
PARSONS ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

SCALE

1" = 60'

DATE

10/14/2021

TAX MAP

119

DWG

S1625 SUBDIVISION

JOB NO.

S1625

DRAWN BY

EDR

PARCEL

237

SURVEYING

FORESTRY

PARKER

ASSOCIATES

CIVIL ENGINEERING

INC.

SITE PLANNING



N/F  
SALISBURY MALL  
REALTY HOLDING LLC  
DEED REF 4811/43  
PLAT REF 8/298-303  
P/O PARCEL 237, PARCEL B

N/F  
CROSS LAKE LLC  
DEED REF 4868/225  
PLAT REF 8/298-303  
P/O PARCEL 237, PARCEL 3

N/F  
SALISBURY STAKE LLC  
DEED REF 2804/337  
PLAT REF 8/298-303  
P/O PARCEL 237, PARCEL 9

N/F  
FOPT HOLDINGS LLC  
DEED REF 4548/5  
PLAT REF 17/77  
P/O PARCEL 237, PARCEL F-2

N/F  
SALISBURY MALL  
REALTY HOLDING LLC  
DEED REF 4811/43  
PLAT REF 17/77  
P/O PARCEL 237, PARCEL F-1

N/F  
ARC/RP/OG  
SALISBURY MD LLC  
DEED REF 3739/368  
PLAT REF 16/550  
P/O PARCEL 237, PARCEL 7B

PARCEL 11  
251,385.02 SQ.FT  
5.77± ACRES  
BOSCOVS  
(EXISTING BUILDING)

PARCEL 12  
197,369.50 SQ.FT  
4.53± ACRES

PARCEL 1A  
1,927,831.35 SQ.FT  
44.25± ACRES

CENTRE DRIVE R/W VARIES

CENTRE ROAD

U.S. ROUTE 13  
NORTH SALISBURY BOULEVARD

GRAPHIC SCALE  
1 inch = 60 feet

SHEET 3 OF 4

REVISIONS	
DATE	INTL

"OF PARCEL 1, SUBDIVISION PLAT FOR  
SPRINGHILL LIMITED PARTNERSHIP"  
THE CENTRE AT SALISBURY  
OWNER: SALISBURY MALL REALTY HOLDING LLC

LOCATION

CITY OF SALISBURY  
PARSONS ELECTION DISTRICT, WICOMICO COUNTY, MARYLAND

SCALE

1" = 60'

DATE

09/22/2021

TAX MAP

119

DWG

S1625\_SUBDIVISION

JOB NO.

S1625

DRAWN BY

EDR

PARCEL

237

SURVEYING

PARKER

ESTABLISHED 1977

CIVIL ENGINEERING

INC.

FORESTRY

SITE PLANNING



